

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Our Docket No.: O155.12-0004	Date: September 10, 2003
First Named Inventor: Richard B. Brooke	
Title: CELL PHONE/BREATH ANALYZER	
Express Mail No.: EV 302261191 US	

03970 U.S.PTO
10/659099
09/10/03

APPLICATION ELEMENTS

**Commissioner for Patents
ADDRESS TO: P.O. Box 1450
Alexandria, VA 22313-1450**

1. Fee Calculation Sheet
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status

3. Specification Total Pages **[15]**

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed. Sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. Drawings (35 U.S.C. 113) Total Sheets **[2]**

5. Oath or Declaration Total Pages **[]**

- a. Newly Executed (original or copy)
- b. Copy from a prior application (37 C.F.R. 1.63(d) - for continuation/divisional with Box 18 completed)

[Mark Box 5 below]
I. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b)

6. Application Data Sheet. See 37 CFR 1.76.

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(If applicable, all necessary)

- a. Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies; or
 - ii. Paper
- c. Statements verifying identify of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 C.F.R. 3.73(b) Submission

Power of Attorney

11. English Translation Document (if applicable)

12. Information Disclosure Statement with copies of Citations as necessary

13. Preliminary Amendment Total Pages **[]**

14. Return Receipt Postcard (Should be specifically itemized)

15. Certified Copy of Priority document(s) (If foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Application must attach form PTO/SB/35 or its equivalent

17. Check in the amount of \$411.00

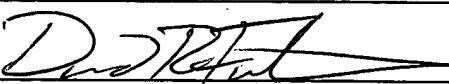
18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Division Continuation-in-part (CIP) of prior Application No.

Prior Application Information: Examiner _____ Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

ATTY NAME AND REG. NO.	David R. Fairbairn	26,047	SIGNATURE: 
ADDRESS	Kinney & Lange, P.A. THE KINNEY & LANGE BUILDING 312 South Third Street Minneapolis, MN 55415-1002		
TELEPHONE	(612) 339-1863		FAX: (612) 339-6580

FEE TRANSMITTAL

		<i>Complete if Known</i>																																																																																																																																											
		Application No.																																																																																																																																											
		Filing Date		Herewith																																																																																																																																									
		First Named Inventor		Richard B. Brooke																																																																																																																																									
		Group Art Unit																																																																																																																																											
Examiner Name																																																																																																																																													
Total Amount of Payment <u>\$411.00</u>		Atty. Docket Number		O155.12-0004																																																																																																																																									
METHOD OF PAYMENT (Check One)		FEE CALCULATION (Continued)																																																																																																																																											
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account <u>No.11-0982</u> . Deposit Account Name: Kinney & Lange, P.A. A duplicate copy of this communication is enclosed		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code</th> <th style="text-align: left;">Small Entity Fee Code (\$)</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td style="text-align: right;">65</td><td style="text-align: right;">Surcharge - Late filing fee or oath</td><td style="text-align: right;">*</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td style="text-align: right;">25</td><td style="text-align: right;">Surcharge - late provisional filing fee or cover sheet</td><td style="text-align: right;">*</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td style="text-align: right;">130</td><td style="text-align: right;">Non-English specification</td><td style="text-align: right;">*</td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td style="text-align: right;">2,520</td><td style="text-align: right;">For Filing a Request for Reexamination</td><td style="text-align: right;">*</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td style="text-align: right;">55</td><td style="text-align: right;">Extension for reply within first month</td><td style="text-align: right;">*</td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td style="text-align: right;">205</td><td style="text-align: right;">Extension for reply within second month</td><td style="text-align: right;">*</td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td style="text-align: right;">465</td><td style="text-align: right;">Extension for reply within third month</td><td style="text-align: right;">*</td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td style="text-align: right;">725</td><td style="text-align: right;">Extension for reply within fourth month</td><td style="text-align: right;">*</td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td style="text-align: right;">985</td><td style="text-align: right;">Extension for reply within fifth month</td><td style="text-align: right;">*</td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td style="text-align: right;">160</td><td style="text-align: right;">Filing a brief in support of an appeal</td><td style="text-align: right;">*</td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td style="text-align: right;">140</td><td style="text-align: right;">Request for oral hearing</td><td style="text-align: right;">*</td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td style="text-align: right;">55</td><td style="text-align: right;">Terminal Disclaimer Fee</td><td style="text-align: right;">*</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td style="text-align: right;">55</td><td style="text-align: right;">Petition to revive - unavoidable</td><td style="text-align: right;">*</td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td style="text-align: right;">650</td><td style="text-align: right;">Petition to revive - unintentional</td><td style="text-align: right;">*</td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td style="text-align: right;">650</td><td style="text-align: right;">Utility/Reissue issue fee</td><td style="text-align: right;">*</td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td style="text-align: right;">235</td><td style="text-align: right;">Design issue fee</td><td style="text-align: right;">*</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td style="text-align: right;">130</td><td style="text-align: right;">Petitions to the Commissioner</td><td style="text-align: right;">*</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td style="text-align: right;">50</td><td style="text-align: right;">Petitions related to provisional applications</td><td style="text-align: right;">*</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td style="text-align: right;">180</td><td style="text-align: right;">Submission of Information Disclosure Statement</td><td style="text-align: right;">*</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td style="text-align: right;">40</td><td style="text-align: right;">Recording each patent assignment per property (times number of properties)</td><td style="text-align: right;">*</td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td style="text-align: right;">375</td><td style="text-align: right;">Request for Continued Examination (RCE)</td><td style="text-align: right;">*</td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="2" style="text-align: right;">Subtotal (3) \$0.00</td> </tr> </tbody> </table>				Large Entity Fee Code	Small Entity Fee Code (\$)	Fee Description	Fee paid	1051	130	2051	65	Surcharge - Late filing fee or oath	*	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	*	1053	130	1053	130	Non-English specification	*	1812	2,520	1812	2,520	For Filing a Request for Reexamination	*	1251	110	2251	55	Extension for reply within first month	*	1252	410	2252	205	Extension for reply within second month	*	1253	930	2253	465	Extension for reply within third month	*	1254	1,450	2254	725	Extension for reply within fourth month	*	1255	1,970	2255	985	Extension for reply within fifth month	*	1402	320	2402	160	Filing a brief in support of an appeal	*	1403	280	2403	140	Request for oral hearing	*	1814	110	2814	55	Terminal Disclaimer Fee	*	1452	110	2452	55	Petition to revive - unavoidable	*	1453	1,300	2453	650	Petition to revive - unintentional	*	1501	1,300	2501	650	Utility/Reissue issue fee	*	1502	470	2502	235	Design issue fee	*	1460	130	1460	130	Petitions to the Commissioner	*	1807	50	1807	50	Petitions related to provisional applications	*	1806	180	1806	180	Submission of Information Disclosure Statement	*	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	*	1801	750	2801	375	Request for Continued Examination (RCE)	*	Other fee (specify) _____				Subtotal (3) \$0.00	
Large Entity Fee Code	Small Entity Fee Code (\$)	Fee Description	Fee paid																																																																																																																																										
1051	130	2051	65	Surcharge - Late filing fee or oath	*																																																																																																																																								
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	*																																																																																																																																								
1053	130	1053	130	Non-English specification	*																																																																																																																																								
1812	2,520	1812	2,520	For Filing a Request for Reexamination	*																																																																																																																																								
1251	110	2251	55	Extension for reply within first month	*																																																																																																																																								
1252	410	2252	205	Extension for reply within second month	*																																																																																																																																								
1253	930	2253	465	Extension for reply within third month	*																																																																																																																																								
1254	1,450	2254	725	Extension for reply within fourth month	*																																																																																																																																								
1255	1,970	2255	985	Extension for reply within fifth month	*																																																																																																																																								
1402	320	2402	160	Filing a brief in support of an appeal	*																																																																																																																																								
1403	280	2403	140	Request for oral hearing	*																																																																																																																																								
1814	110	2814	55	Terminal Disclaimer Fee	*																																																																																																																																								
1452	110	2452	55	Petition to revive - unavoidable	*																																																																																																																																								
1453	1,300	2453	650	Petition to revive - unintentional	*																																																																																																																																								
1501	1,300	2501	650	Utility/Reissue issue fee	*																																																																																																																																								
1502	470	2502	235	Design issue fee	*																																																																																																																																								
1460	130	1460	130	Petitions to the Commissioner	*																																																																																																																																								
1807	50	1807	50	Petitions related to provisional applications	*																																																																																																																																								
1806	180	1806	180	Submission of Information Disclosure Statement	*																																																																																																																																								
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	*																																																																																																																																								
1801	750	2801	375	Request for Continued Examination (RCE)	*																																																																																																																																								
Other fee (specify) _____				Subtotal (3) \$0.00																																																																																																																																									
2. CHECK ENCLOSED																																																																																																																																													
FEE CALCULATION																																																																																																																																													
1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code</th> <th style="text-align: left;">Small Entity Fee Code (\$)</th> <th colspan="3" style="text-align: left;">Fee Description</th> <th rowspan="2" style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>750</td> <td>2001</td> <td style="text-align: right;">375</td> <td style="text-align: left;">[X] Utility Filing Fee</td> <td></td> </tr> <tr> <td>1006</td> <td>330</td> <td>2006</td> <td style="text-align: right;">165</td> <td style="text-align: left;">[] Design Filing Fee</td> <td></td> </tr> <tr> <td>1004</td> <td>750</td> <td>2004</td> <td style="text-align: right;">375</td> <td style="text-align: left;">[] Reissue Filing Fee</td> <td></td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td style="text-align: right;">80</td> <td style="text-align: left;">[] Prov. Filing Fee</td> <td></td> </tr> </tbody> </table>						Large Entity Fee Code	Small Entity Fee Code (\$)	Fee Description			Fee Paid	1001	750	2001	375	[X] Utility Filing Fee		1006	330	2006	165	[] Design Filing Fee		1004	750	2004	375	[] Reissue Filing Fee		1005	160	2005	80	[] Prov. Filing Fee																																																																																																											
Large Entity Fee Code	Small Entity Fee Code (\$)	Fee Description			Fee Paid																																																																																																																																								
1001	750	2001	375	[X] Utility Filing Fee																																																																																																																																									
1006	330	2006	165	[] Design Filing Fee																																																																																																																																									
1004	750	2004	375	[] Reissue Filing Fee																																																																																																																																									
1005	160	2005	80	[] Prov. Filing Fee																																																																																																																																									
Subtotal (1) \$375.00																																																																																																																																													
2. EXTRA CLAIM FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Number Claims</th> <th style="text-align: left;">Prior**</th> <th style="text-align: left;">Extra</th> <th style="text-align: left;">Fee from Below</th> <th style="text-align: left;">Fee Paid</th> <th rowspan="2" style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total <u>24</u></td> <td>- <u>20</u></td> <td>= <u>4</u></td> <td> x <u>9</u></td> <td>= <u>36</u></td> <td></td> </tr> <tr> <td>Indep. <u>3</u></td> <td>- <u>3</u></td> <td>= <u>0</u></td> <td> x <u>*</u></td> <td>= <u>*</u></td> <td></td> </tr> <tr> <td colspan="5">Multiple Dependent Claims <u>*</u> = <u>*</u></td> <td></td> </tr> </tbody> </table>						Number Claims	Prior**	Extra	Fee from Below	Fee Paid	Fee Paid	Total <u>24</u>	- <u>20</u>	= <u>4</u>	x <u>9</u>	= <u>36</u>		Indep. <u>3</u>	- <u>3</u>	= <u>0</u>	x <u>*</u>	= <u>*</u>		Multiple Dependent Claims <u>*</u> = <u>*</u>																																																																																																																					
Number Claims	Prior**	Extra	Fee from Below	Fee Paid	Fee Paid																																																																																																																																								
Total <u>24</u>	- <u>20</u>	= <u>4</u>	x <u>9</u>	= <u>36</u>																																																																																																																																									
Indep. <u>3</u>	- <u>3</u>	= <u>0</u>	x <u>*</u>	= <u>*</u>																																																																																																																																									
Multiple Dependent Claims <u>*</u> = <u>*</u>																																																																																																																																													
**Insert 3 and 20, or number previously paid if greater; Reissue see below																																																																																																																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code</th> <th style="text-align: left;">Small Entity Fee Code</th> <th colspan="3" style="text-align: left;">Description</th> <th rowspan="2" style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td style="text-align: right;">9</td> <td colspan="2">Claims in excess of 20</td> </tr> <tr> <td>1201</td> <td>84</td> <td>2201</td> <td style="text-align: right;">42</td> <td colspan="2">Independent claims in excess of 3</td> </tr> <tr> <td>1203</td> <td>280</td> <td>2203</td> <td style="text-align: right;">140</td> <td colspan="2">Multiple Dependent Claim</td> </tr> <tr> <td>1204</td> <td>84</td> <td>2204</td> <td style="text-align: right;">42</td> <td colspan="2">Reissue Independent Claims Over Original Patent</td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td style="text-align: right;">9</td> <td colspan="2">Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table>						Large Entity Fee Code	Small Entity Fee Code	Description			Fee Paid	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple Dependent Claim		1204	84	2204	42	Reissue Independent Claims Over Original Patent		1205	18	2205	9	Reissue claims in excess of 20 and over original patent																																																																																																					
Large Entity Fee Code	Small Entity Fee Code	Description			Fee Paid																																																																																																																																								
1202	18	2202	9	Claims in excess of 20																																																																																																																																									
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																									
1203	280	2203	140	Multiple Dependent Claim																																																																																																																																									
1204	84	2204	42	Reissue Independent Claims Over Original Patent																																																																																																																																									
1205	18	2205	9	Reissue claims in excess of 20 and over original patent																																																																																																																																									
Subtotal (2) \$36.00																																																																																																																																													

Signature _____

David R. Fairbairn

Reg. No. _____

26,047

Date _____

9/10/03

Deposit Account No. _____

11-0982

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named	Batch No:
Inventor : Richard B. Brooke	
Appln. No. :	Allowed:
Filed : Herewith	Group Art Unit:
Title : CELL PHONE/BREATH ANALYZER	Examiner:
Docket No. : O155.12-0004	

LETTER TO OFFICIAL DRAFTSMAN

Mail Stop Issue Fee
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL
Express Mail No.: EV 302261191 US

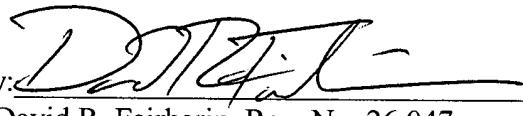
Sir:

Enclosed are two (2) sheets of formal drawings for filing in the above-identified application.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 9/10/03

By: 

David R. Fairbarin, Reg. No. 26,047
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

DRF:AK:bm